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TO RUEHGG/UN SECURITY COUNCIL COLLECTIVE IMMEDIATE
RUEHC/SECSTATE WASHDC IMMEDIATE 8525
INFO RUEHLB/AMEMBASSY BEIRUT IMMEDIATE 0652
RUEHDM/AMEMBASSY DAMASCUS IMMEDIATE 0282
RUEHTV/AMEMBASSY TEL AVIV IMMEDIATE 1100
RUEHJM/AMCONSUL JERUSALEM IMMEDIATE 0624

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E.O. 12958: N/A

TAGS: PREL PGOV UNSC LE

SUBJECT: UNSC: RESOLUTION TO ESTABLISH INTERNATIONAL TRIBUNAL FOR LEBANON

¶1. (U) Recalling a letter from the Government of Lebanon requesting the establishment of a tribunal of an international character to try all those responsible for the terrorist bombing that killed former Lebanese Prime Minister Rafiq Hariri as well as its request to the Secretary-General in UNSCR 1644 (2005) to help the Government of Lebanon identify the nature and scope of international assistance needed in this regard, the Security Council March 29 adopted a resolution -- UNSCR 1664 -- requesting the Secretary-General to negotiate an agreement with the

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Government of Lebanon to establish a tribunal of an international character based on the highest international standards of justice.

¶2. (U) The resolution specifies neither the subject matter jurisdiction nor the duration of the tribunal to be established, but it directs the Secretary-General, in his negotiations with Lebanon, to take into account the recommendations of the Secretary-General's March 21, 2006 report to the Council pursuant to resolution 1644 (2004). That report identifies key issues relating to such a tribunal, such as the need to establish the tribunal's jurisdiction, choose its applicable law and rules of procedure, select its location, determine the composition of the tribunal, and establish a mechanism to cover costs. The U.S., France, and the UK co-sponsored the resolution, which the Council adopted unanimously. The final text accommodates Russian concerns that Secretary-General take into account the views of Council members during the negotiations with Lebanon and that the Secretary-General update the Council as he deems appropriate on the progress of the negotiations.

¶3. (U) Following the adoption of the resolution, Lebanese MFA Acting Secretary-General Boutros Assaker delivered a short statement welcoming the unanimous vote on the establishment of a tribunal as an indication of the international community's strong commitment and determination to punish all those involved in the Hariri assassination. He also pledged the Government of Lebanon's efforts to conclude negotiations of an agreement with the Secretary-General as quickly as possible so the Security Council could approve and support the text.

¶4. (U) Begin text of UNSCR 1664 (S/RES/2006/1664):

The Security Council,

Recalling all its previous resolutions, in particular 1595 (2005) of 7 April 2005, 1636 (2005) of 31 October 2005 and 1644 (2005) of 15 December 2005,

Reiterating its call for the strict respect of the sovereignty, territorial integrity, unity and political independence of Lebanon under the sole and exclusive authority of the Government of Lebanon,

Mindful of the demand of the Lebanese people that all those responsible for the terrorist bombing that killed former Lebanese Prime Minister Rafik Hariri and others be identified and brought to justice,

Recalling the letter of the Prime Minister of Lebanon to the Secretary-General of 13 December 2005 (S/2005/783) requesting

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inter alia the establishment of a tribunal of international character to try all those who are found responsible for this terrorist crime and recalling its request to the Secretary-General in its resolution 1644 (2005) to help the

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Government of Lebanon identify the nature and scope of the international assistance needed in this regard,

Having examined the report of 21 March 2006 submitted by the Secretary-General pursuant to paragraph 6 of resolution 1644

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(2005) (S/2006/176), and welcoming the common understanding reached between the Secretariat and the Lebanese authorities on the key issues regarding the establishment and the main features of a possible tribunal,

Willing to continue to assist Lebanon in the search for the truth and in holding all those involved in this terrorist attack accountable,

¶1. Welcomes the report of the Secretary-General and requests him to negotiate an agreement with the Government of Lebanon aimed at establishing a tribunal of an international character based on the highest international standards of criminal justice, taking into account the recommendations of his report and the views that have been expressed by Council members;

¶2. Acknowledges that the adoption of the legal basis of, and framework for, the tribunal, would not prejudice the gradual phasing-in of its various components and would not predetermine the timing of the commencement of its operations, which will depend on the progress of the investigation;

¶3. Requests the Secretary-General to update the Council on the progress of the negotiation as he deems appropriate and to submit in a timely manner for the consideration of the Council a report on the implementation of this resolution, in particular on the draft agreement negotiated with the Lebanese Government, including options for a funding mechanism appropriate to ensure the continued and efficient functioning of the tribunal;

¶4. Decides to remain seized of the matter.

End Text.

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